

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

PROCUREMENT ETHICS AND STANDARDS OF CONDUCT

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Purpose

To implement the County's Code of Ethics and ensuring fairness, honesty, and integrity in all procurement actions.

Policy

The County Code of Ethics is applicable in the performance of all County business, and applies to all DPC employees, temporary workers, and volunteers. The Department of Purchasing and Contracting (DPC) implements the County's Code of Ethics by observing the following principles as a guide to our behavior:

1. We treat suppliers, members of the public and fellow employees respectfully; fairly, and honestly at all times. Discussions with suppliers, customers, and other parties will be sensitive to appropriate procurement confidentiality and fairness issues.
2. Perform our duties in compliance with all federal, state, and local laws; and avoid any involvement in illegal, unethical or improper conduct.
3. Conduct our official County duties in conformance with the County's policies and procedures, and in accordance with the highest standards of ethical and legal conduct.
4. Ensure that County funds and resources are used with extreme care, guided by prudent judgment and good business practices.
5. Create a work environment that promotes open and honest communications and encourages raising ethical concerns without fear of retribution or retaliation.
6. Assume responsibility for knowing, understanding and having a practical working knowledge of the laws, rules and regulations applicable to your job.
7. Following the Procurement Code of Ethics and Standards of Conduct (Attachment 1), which creates a framework of expectations for County of San Diego employees and other individuals when involved in County procurement transactions.

The Procurement Code of Ethics and Standards of Conduct is established by and incorporated into this policy. DPC staff will openly share the County Code of Ethics, the Procurement Code of Ethics and Standards of Conduct, and these principles with County employees, contractors, and suppliers, vendors and small businesses that are engaged throughout the procurement process; and request their support in ensuring that all County procurements are accomplished ethically.

Sunset Date

This policy will be reviewed for continuance by 12-31-2028.

References

County of San Diego Code of Ethics

County of San Diego Procurement Code of Ethics and Standards of Conduct

Department of Purchasing and Contracting Organizational Conflict of Interest Policy for Design-Build Projects

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APPROVED BY



JOHN M. PELLEGRINO, Director
Department of Purchasing and Contracting

3/22/23

Date



County of San Diego

Procurement Code of Ethics and Standards of Conduct

Purpose

These standards establish a framework of expectations for County of San Diego employees and other individuals when involved in County procurement transactions. These procurement standards are founded on applicable federal and California law, and the County of San Diego's Code of Ethics and General Principles (<http://www.sandiegocounty.gov/content/dam/sdc/cao/docs/elspstmt.pdf>).

Who must comply?

The standards set forth in this document pertain to all employees, supervisors, managers and executives engaged in, or responsible for procurement, contracting, and contract administration on behalf of the County of San Diego. Also consultants, contractors, or other individuals who participate in the County procurement process are required to be aware of and abide by these standards.

When does it apply?

These standards apply to all phases and aspects of the procurement and contracting life cycle, including but not limited to the following activities:

- **Acquisition Planning – Pre-Contract Activities:** conducting market research, surveys, site visits, preparing specifications, statement of work or other requirement documents, and establishing budgets
- **Solicitation Phase:** participating in and/or preparing specific solicitations and/or other acquisition documents
- **Proposal Evaluation and Supplier Selection:** evaluating responses, preparing contract documents, placing and/or approving orders and/or awarding contracts
- **Post Award Administration:** implementing, monitoring and/or performing contract administration duties, reviewing or accepting goods and/or services on behalf of the County, approving payment for goods and/or services

Failure to comply

Failure to adhere to applicable federal and California law, and the County's Code of Ethics and Standards of Conduct and these standards of integrity is subject to disciplinary action up to and including termination, and/or referral to appropriate enforcement agencies. Consultants, contractors, or other individuals are subject to applicable laws and contractual requirements.

Standards of Conduct for All Parties Involved in Procurement

Understand and fully comply with the standards and your responsibilities as established by the County of San Diego's Code of Ethics and avoid any actual or perceived conflict of interest throughout the procurement process.

There are several conflict of interest laws, including Government Code section 1090 and the California Political Reform Act, which apply to procurement. These laws are grounded on the notion that government officials owe paramount loyalty to the public and decisions must be unbiased. Employees and other individuals are prohibited from participating in the making of a contract in which they have a financial interest. The law prohibits the same party from being on both sides of a contract. Individuals and contractors may not participate in the making of a contract and then bid or propose to do the work on that contract at a later date.

Avoid actual and perceived conflicts of interest throughout the entire procurement process. Do not seek or accept any favors, gifts or benefits that are not offered routinely to the general public from contractors, suppliers, vendors, firms or persons representing any of these entities, or other parties that are doing business, or seeking to do business, with the County. Do not use your job to obtain benefits, directly or indirectly, for yourself or anyone else. Immediately report the involvement of a spouse, relative in a procurement transaction on which you are working, to your supervisor, or department management.

Conduct all County business in an honest and impartial manner. Consistent with the requirements of law, policy and common sense, maintain appropriate confidentiality in both written and oral communications. Immediately inform department management when procurement and contracting problems (or potential problems) arise which could cause undue expense or waste, discredit, or embarrassment to the department or to the County. Resolve issues effectively and ethically, while refraining from exercising any pressure on staff that could be perceived as trying to apply inappropriate influence. Our core values and principles of integrity, stewardship, and commitment are essential in order to earn and maintain the public's trust.

Become familiar with all laws that pertain to procurement transactions. Ensure you are aware of current laws and that contracts are in compliance with these laws. Consult with County Counsel if you have any questions.

Act for the benefit of the County. Ensure public money is spent solely for the benefit of the public and is consistent in with applicable federal, State, and local laws, regulations, policies and procedures. With respect to transactions that you undertake on behalf of the County, account accurately for money paid and property/services received, and demonstrate a standard of reasonable care and skill that promotes public trust and respect.

Immediately consult your supervisor if you have questions and/or become aware of situations which do not meet these standards.